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Prepared By _____

Approved By _____

An act to amend Section 41960.2 of the Health and Safety Code, relating to air resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.

DRAFT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 41960.2 of the Health and Safety Code is amended to read:

41960.2. (a) All installed systems for the control of gasoline vapors resulting from motor vehicle fueling operations shall be maintained in good working order in accordance with the manufacturer's specifications of the system certified pursuant to Section 41954.

(b) Whenever a gasoline vapor recovery control system is repaired or rebuilt by someone other than the original manufacturer or its authorized representative, the person shall permanently affix a plate to the vapor recovery control system that identifies the repairer or rebuilder and specifies that only certified equipment was used. In addition, a rebuilder of a vapor control system shall remove any identification of the original manufacturer if the removal does not affect the continued safety or performance of the vapor control system.

(c) ~~(1)~~—The executive officer of the state board shall identify and list equipment defects in systems for the control of gasoline vapors resulting from motor vehicle fueling operations that substantially impair the effectiveness of the systems in reducing air contaminants. The defects shall be identified and listed for each certified system and shall be specified in the applicable certification documents for each system. The executive officer shall post a list of equipment defects identified in the certification documents for each certified vapor recovery system on the state board's Internet Web site. The executive officer shall update the list each time he or she issues or renews certification documents for a certified system. Upon request by a member of the public,

the executive officer shall review the list at a public workshop to address concerns or issues raised in the request.

~~(2) On or before January 1, 2001, and at least once every three years thereafter, the list required to be prepared pursuant to paragraph (1) shall be reviewed by the executive officer at a public workshop to determine whether the list requires an update to reflect changes in equipment technology or performance.~~

~~(3) Notwithstanding the timeframes for the executive officer's review of the list, as specified in paragraph (2), the executive officer may initiate a public review of the list upon a written request that demonstrates, to the satisfaction of the executive officer, the need for such a review. If the executive officer determines that an update is required, the update shall be completed no later than 12 months after the date of the determination.~~

(d) When a district determines that a component contains a defect specified pursuant to subdivision (c), the district shall mark the component "Out of Order." ~~No~~ A person shall not use or permit the use of the component until the component has been repaired, replaced, or adjusted, as necessary, and the district has reinspected the component or has authorized use of the component pending reinspection.

(e) ~~Where~~ If a district determines that a component is not in good working order but does not contain a defect specified pursuant to subdivision (c), the district shall provide the operator with a notice specifying the basis on which the component is not in good working order. If, within seven days, the operator provides the district with adequate evidence that the component is in good working order, the operator shall not be subject to liability under this division.

SEC. 2. The sum of one thousand dollars (\$1,000) is hereby appropriated from the General Fund to the State Air Resources Board for administrative costs associated with this act.

SEC. 3. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

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LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Gasoline vapor control.

(1) Existing law relating to gasoline vapor control requires the executive officer of the State Air Resources Board to identify and list equipment defects in systems for the control of gasoline vapors resulting from motor vehicle fueling operations that substantially impair the effectiveness of the systems in reducing air contaminants. Existing law requires the defects to be identified and listed for each certified system and specified in the applicable certification documents for each system.

Existing law requires the executive officer to review the list at least once every 3 years at a public workshop to determine whether the list requires an update to reflect changes in equipment technology or performance. Existing law also authorizes the executive officer to initiate a public review of the list upon a written request that demonstrates, to the satisfaction of the executive officer, the need for such a review.

This bill would delete those review provisions, and, instead, require the executive officer to post a list of equipment defects identified in the certification documents for each certified vapor recovery system on the state board's Internet Web site. The bill would require the executive officer to update the list each time he or she issues or renews certification documents for a certified system. The bill would require the executive officer, upon request by a member of the public, to review the list at a public workshop to address concerns or issues raised in the request.

(2) This bill would appropriate \$1,000 from the General Fund to the state board for administrative costs associated with the bill.

(3) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.